

Serial No. 10/729,455

Docket No. 97634.00177

**REMARKS**

Claims 1-20 are pending, while claims 1-20 stand rejected under 35 U.S.C. §102(b). Claims 1, 5, 11 and 17 have been amended, leaving claims 1-20 for consideration upon entry of the present Amendment. No new matter has been added.

**CLAIM REJECTIONS – §112**

Claim 5 stands rejected under 35 U.S.C. §112, second paragraph, because of a lack of antecedent basis for “the second color coordinate” in lines 2 and 3. Claim 5 has been amend to recite “the second color calibration standard” having antecedent basis in line 3 of claim 1. Thus, it is respectfully requested that the rejection to claim 5 be withdrawn.

**CLAIM REJECTIONS - §102(b)**

Claims 1-20 stand rejected under 35 U.S.C. §102(b) as being anticipated by Holub (U.S. Patent No. 6,157,735). Applicants respectfully traverse.

The Examiner interprets Holub to disclose a method for transforming color measurement data (col. 9, lines 41-59). The Examiner alleges that the method of Holub comprises:

(a) providing a data transform or delta profile for transforming color measurement data from a first color calibration standard to a second color calibration standard (the examiner alleges that Holub discloses, at col. 9, lines 41-59, providing a color transformation measurement means between particular nodes of a network to another or other nodes of the network that is analogous to the transforming means as claimed. The Examiner further alleges that each node is inherently a network location and the nodes develop data transformation through Virtual Proofing);

(b) obtaining color measurement data using a first color measuring instrument based on the first color calibration standard (col. 9, lines 50-53); and

(c) selectively transforming the color measurement data using the data transform or delta profile (the Examiner alleges that Holub discloses an equivalent to the data transform discussed at col. 9, lines 41-59), so as to restandardize (the Examiner alleges that “the

Serial No. 10/729,455

Docket No. 97634.00177

reviseability means" is analogous to "restandardizing") the color measurement data to the second color calibration standard (col. 9, 57-59).

It is respectfully submitted that Holub discloses providing a system for controlling and distributing color reproduction which communicates color accurately between rendering devices at multiple sites through virtual proofing, thereby providing color quality control. (Col. 8, lines 36-40). Briefly described, Holub discloses a system embodying the invention thereof that provides for controlling color reproduction of input color image data representing one or more pages (or page constituents) in a network having nodes (or sites). Each one of the nodes comprises at least one rendering device. The system distributes the input color image data from one of the nodes to other nodes, and provides a data structure (virtual proof) in the network. This data structure has components shared by the nodes and other components present only at each node. Next, the system has means for providing color calibration data at each node characterizing output colors (colorants) of the rendering device of the node, and means for producing at each node, responsive to the color calibration data of the rendering device of the node, information for transforming the input color image data into output color image data at the rendering device of the node. The information is then stored in the data structure in different ones of the shared and other components. Means are provided in the system for transforming at each node the input color image data into output color image data for the rendering device of the node responsive to the information in the data structure. The rendering device of each node renders a color reproduction of the pages responsive to the output color image data, wherein colors displayed in the reproduction at the rendering device of each node appear substantially the same within the output colors attainable by the rendering devices. (Col. 9, lines 4-28.)

In particular, Holub discloses with respect to the Virtual Proof feature upon which the Examiner relies that the Virtual Proof feature of the system provides a file structure enabling accurate communication and control of color in a distributed production environment of the network. The Virtual Proof contains data for procedures necessary to mediate conversions from the color of input image data to colorant, and vice versa, in such a way that the recording device at one particular node of the network can represent the output of other equipment to the best degree possible. The Virtual Proof stores data

Serial No. 10/729,455

Docket No. 97634.00177

representing information for transforming color at multiple nodes. The integrity of the data of the Virtual Proof is assured by continual calibration, verification and recalibration by color measurement instruments which are themselves the subject of ongoing calibration. The Virtual Proof embodies data on the extent and location of color error in product useful to automatic systems for the control of production rendering devices, such as high volume presses. Because the Virtual Proof is a mechanism for interpreting color data to a device, the Virtual Proof provides reviseability of color data up to and during production. (Col. 9, lines 41-59).

With respect to "reviseability", Holub discloses that the Virtual Proof is modifiable such that as changes occur at a rendering device, such as in inks or substrates [note: quite different from a change in color calibration standard], system 100 can automatically adjust the rendering device's calibration. In addition, adjustments to calibration may be performed on demand by a user. This allows a user to update color preferences, such as color assignments of page layouts being rendered by rendering devices in the network without retransmitting the entirety of the image data. (col. 14, lines 33-36.) Accordingly, Holub discloses revising the Virtual Proof when measured color data of a rendered image is not within tolerance levels of color data of a known color image. (See Claim 64).

Claim 64 of Holub quite clearly identifies the differences between the Applicants' claimed invention and the disclosure with respect to the Virtual Proof, which the Examiner relies. Claim 64 of Holub is reproduced below:

64. A method of virtual proofing at a plurality of rendering devices configured into a network, each said rendering device having a calibration transform to render color images, said method comprising the steps of:

transferring color image data from one of said plurality of rendering devices to others of said rendering devices in said network;

calibrating color measure instruments associated with each said rendering device;

rendering a known color image at each said rendering device;

Serial No. 10/729,455

Docket No. 97634.00177

measuring the rendered image at each said rendering device with the color measuring instrument to provide color data;

comparing the measured color data with color data of the known color image to provide color-error data;

evaluating the color-error data responsive to tolerance levels to indicate when the calibration of each said rendering device is one of within said tolerance levels and outside said tolerance levels;

producing at one of said plurality of rendering devices when said calibration of the rendering device is outside said tolerance levels another calibration transform;

building a correction transform based upon said color-error data when said calibration of one of said rendering devices is within said tolerance levels;

revising the calibration transform of said rendering device with said correction transform; and

rendering said image data at each rendering device responsive to one of said revised calibration transform and said another calibration transform.

(Emphasis added).

Accordingly, Holub teaches revising a calibration transform with a correction transform for a rendering device that has a calibration that is outside tolerance levels relative to known color data from the known color image when compared to measured color data from a corresponding rendered image from the rendering device.

Serial No. 10/729,455

Docket No. 97634.00177

Thus, Holub does not teach or suggest restandardizing the color measurement data [from the first color calibration standard used by the first color measuring instrument] to the second color calibration standard used by the second color measuring instrument, as claimed.

In sum, the fundamental difference between Holub and Applicants' disclosure is that Holub discloses starting with an image and transforming the RGB image data of the image for use with different output devices that have transforms generated through a calibration process using color measurement instruments and color standards to characterize each different output device. In contrast, Applicants disclose transforming reflectance measurements of objects from one color measurement instrument system of a different brand or type of spectrophotometer or colorimeter to a different type or brand that has different measuring characteristics (e.g., different color calibration standards). An aspect of the Applicants' disclosure is to supply a target reflectance that can be used with any type of color measuring instrument that has been characterized even though they may differ significantly in their measurement characteristics.

Holub does not teach or suggest, (a) providing a data transform or delta profile, the data transform or delta profile transforming color measurement data from a first color calibration standard to a second color calibration standard used by a second color measuring instrument; (b) obtaining color measurement data using a first color measuring instrument based on the first color calibration standard; and (c) selectively transforming the color measurement data using the data transform or delta profile, so as to restandardize the color measurement data to the second color calibration standard, as claimed in independent claim 1 and similarly claimed in independent claims 11 and 17. Thus, it is respectfully submitted that claims 1, 11 and 17, including claims depending therefrom, i.e., claims 2-10, 12-16 and 18-20, define over Holub.

Accordingly, it is respectfully requested that the rejection of claims 1-20 be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone

Serial No. 10/729,455

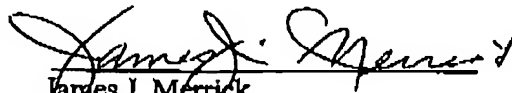
Docket No. 97634.00177

conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

No fee is believed to be associated with this submission; however, if an additional fee is required, or otherwise if necessary to cover any deficiency in fees already paid, authorization is hereby given to charge Deposit Account No. 50-3569.

Respectfully submitted,

Date: September 13, 2005

  
James J. Merrick  
Reg. No. 43,801  
Basam E. Nabulsi  
Reg. No. 31,645  
Attorneys for Applicants

PTO Correspondence Address:

McCARTER & ENGLISH, LLP  
Four Stamford Plaza  
107 Elm Street  
Stamford, CT 06902  
(203) 965-0601

HARTFORD: 614017.01